

Change of judge — Death, illness, or incapacity of judge
Revised 12/2009

The procedure for dealing with a situation in which a judge presiding over a trial can no longer continue to do so because of death, illness, or other incapacity is set forth in Rule 19.5, Ariz. R. Crim. P.:

If the judge before whom a trial or other criminal proceeding is pending dies, becomes ill, or in any other way becomes incapacitated, any other judge of the same court may take the judge's place. If no other judge is available, the clerk, sheriff, or bailiff shall recess the court and notify the Chief Justice of the Supreme Court, who shall continue the trial until he or she appoints another judge to resume the proceedings. If, in the opinion of the new judge, after a review of the record, the continuation of the proceeding would be prejudicial to either the state or a defendant, the judge shall order a new trial or proceeding.